

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARIA ELENA GARCIA,

Plaintiff,

v.

KILOLO KIJAKAZI, Acting
Commissioner of Social Security,

Defendant.

No. 1:21-cv-01043-ADA-HBK (SS)

ORDER ADOPTING THE PARTIES'
STIPULATION FOR THE AWARD OF
ATTORNEY'S FEES UNDER THE EQUAL
ACCESS TO JUSTICE ACT

(ECF No. 24)

On July 1, 2021, Plaintiff Maria Elena Garcia filed this action seeking review of a final decision of Defendant Kilolo Kijakazi, Acting Commissioner of Social Security. (ECF No. 1.) The Court remanded the matter on August 9, 2023 for further administrative proceedings pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 21.) On November 6, 2023, the parties filed a stipulation that Plaintiff should be awarded attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412(d), in the amount of \$6,192.04 and costs in the amount of \$402.00 under 28 U.S.C. § 1920. (ECF No. 24.)

Accordingly,


1. Pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2414(d), Plaintiff is awarded attorney's fees in the amount of \$6,192.04 and, pursuant to 28 U.S.C. § 1920, costs in the amount of \$402.00;

2. After the issuance of this order, the government shall consider the assignment of the Equal Access to Justice Act attorney's fees to Plaintiff's counsel as follows:
- a. Pursuant to the decision in *Astrue v. Ratliff*, 560 U.S. 586 (2010), any such assignment will depend on whether the attorney's fees are subject to any offset allowed under the United States Department of Treasury's Offset Program;
 - b. Fees and costs shall be made payable to Plaintiff, but if the Department of Treasury determines that Plaintiff does not owe a federal debt, then the government shall cause the payment of attorney's fees and costs to be made directly to Plaintiff's counsel, Jonathan O. Peña;
 - c. Whether the payment of attorney's fees and costs is made payable to Plaintiff or to counsel, the check will be mailed to Plaintiff's counsel's mailing address at:

Jonathan O. Peña
Peña & Bromberg, PLC
2440 Tulare St., Ste. 320
Fresno, CA 93721

IT IS SO ORDERED.

Dated: November 7, 2023


UNITED STATES DISTRICT JUDGE